IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2705 of 2005

Between:

1 Gudipati Venkatrao, S/o Sitaramaiah,
Kommalacheruvu
2 Gudipati Bhadraiah S/o Kotaiah,
Kanikalla cheruvu
3 M. Satyanarayana, S/o Ramaiah,
Rangamma kattu All are of Nacharam (v) Dammapeta (M),
Khammam District.

... PETITIONERS

AND

1 The District Collector, Khammam.
2 The Joint Collector, Khammam.
3 The Mandal Revenue Officer, Dammapet Mandal, Khammam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction preferably writ of mandamus directing the inaction of the 3rd respondent in not issuing endorsement on the objections filed by petitioners on 14-2-2005 against the draft voters list supplied on 9-2-2005 in respect of the water users associations of Kommalacheruvu; Kanikalla Cheruvu and Ranganna kattu; of Nacharam (v) Dammapeta (M) Khammam District and not conducting any enquiry on the said objections and taking steps to issue date for elections is illegal, arbitrary, and violative of principles of natural justice and consequently direct the respondents to conduct enquiry on the objections filed by the petitioners on 14-2-2005 and then conduct elections and pass such other or further orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.KOWTURU VINAYA KUMAR

Counsel for the Respondents: GP FOR irrigation

The Court at the stage of admission made the following order:

The limited grievance of the petitioners is that, in response to a provisional voters' list published in Form-D, by the 3rd respondent, they have submitted objections on 14-02-2005, pointing out certain defects in the voters' list, and that the 3rd respondent is not entertaining it. They apprehend that the 3rd respondent may finalize the voters' list, without considering the representation.

Heard the learned counsel for the petitioners and learned Government Pleader for Irrigation.

Sub-rule (2) of Rule 9 of Andhra Pradesh Farmers' Management of Irrigation System Rules, 2003, prescribes the procedure for preparation of list of eligible voters, as well as the procedure for conducting elections. The purpose of issuance of notice under Form-D is to invite objections, in the matter of preparation of voters' list. When the petitioners responded to the same and submitted their objections, there does not exist any justification, in refusing to receive it.

Hence, the writ petition is disposed of, directing the 3rd respondent to take into account, the representation/objections, filed by the petitioners, dated 14-02-2005, before publishing the final list of voters. If the list is already published, it shall be open to the petitioners to canvas the same ground, before the appellate authority, who, in turn, shall take the same into account, and pass appropriate orders. There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.18-02-2005.

Note:

c.c. in three days.

(B/O)

KO

To

1 The District Collector, Khammam.
2 The Joint Collector, Khammam.
3 The Mandal Revenue Officer, Dammapet Mandal, Khammam District.

4. 2 CCs to G.P. for Irrigation, High Court of A.P., High Court Buildings,

Hyderabad (OUT).

5. 2 C.D copies.

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2705 of 2005

Dated 18-02-2005